REMARKS

Final Status and Entry of Prior Amendment

Applicants object to the holding of the August 17, 2004 Office Action as final. Paragraph 9 states, and paragraph 6 suggests, that this was done because the amendment dated August 6th was entered into the record prior to the Request for RCE. Prosecution in this application has become confusing because the original facsimile of the August 6th amendment was lost by USPTO and not delivered to the examiner in a timely manner. An advisory action was mailed on March 2, 2004 indicating that the August 6th amendment was entered into the record. However, at the time the March 2, 2004 advisory was mailed, the application had been abandoned, under the applicable statutes, since August 20, 2003; thus the Examiner had no authority on March 2, 2004 to enter the amendment into the record.

When Applicant submitted the Petition for Revival, with the RCE under 37 CFR § 1.114, it was proper for Applicant to also resubmit the August 6th proposed amendment. Thus the claims were not amended until the Petition was granted and the RCE was granted.

Thus, Applicants believe the holding of the present Office Action as final to be premature and requests that the Finality status be withdrawn.

35 U.S.C. § 102/103

Claims 1-7 and 10-15 have been rejected under 35 U.S.C. § 102(b) as anticipated by, or in the alternative, under 35 U.S.C. 103(a) as obvious over Ecktman et al (USP 5,201,500). This rejection is respectfully traversed for the following reasons.

In response to the Applicants arguments, it is stated that the argument is more specific than the claim language and that the phrase "integrally formed" means, according to Webster's Dictionary, "composed of integral parts", and thus Ecktman's retainer meets the meaning of "integrally formed" because the retainer is composed of integral parts 12 and 20.

Applicant vigorously objects to this line of reasoning. The Webster's Dictionary definition of "integral" relied upon by the Examiner defines "integral" as "composed of inetegral parts." This is circular reasoning and never defines "integral" in any words other than itself. The first definition of "integral" is "essential to completeness". Webster's New Collegiate Dictionary (see attached) defined "intergral" also as "formed as a unit with another part" and when defining "integral" as "composed of integral parts" it suggests "integrated." The most applicable defintion of "integrated" being "to form or blend into a whole."

Thus taking integrated as "forming into a whole" and with the word "formed"

meaning 'to shape, mold, or make', Applicant's recitation of an "integrally formed" does mean that the two parts are formed as a single unit, and Applicants argument is not more specific than the claim language.

As Ecktman et al. fails to anticipate the invention as recited in claims, it is respectfully requested that this rejection be withdrawn.

Regarding newly submitted claims 16-20, no portion of the retainer of Ecktman is capable of contacting the opposing retainer when the airspring is collapsed. Regarding claim 20, Ecktman very clearly teaches the use of a separately formed and applied bumper.

35 U.S.C. § 103

Claims 8 and 9 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Ecktman et al. in view of Koschinat et al. (USP 4,890,823). This rejection is respectfully traversed for the following reasons.

This rejection is based on the 102/103 rejection of Ecktman. As previously argued, one skilled in the art would not have found it obvious to form the bumper 20 and plate 12 as a single item.

In light of this amendment, all of the claims now pending in the subject patent application are allowable. Thus, the Examiner is respectfully requested to allow all pending claims.

Respectfully submitted,

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